

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

Robert Damian Atkins

Case No. 3:24MJ091

Defendant(s)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2024 in the city/county of Prince George
in the Eastern District of Virginia, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Possession of a Firearm by a convicted Felon

This criminal complaint is based on these facts:

See the attached affidavit.

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA

ERIC GILLILAND

Printed name and title

Roderick Herndon
Complainant's signature

Roderick Herndon, ATF Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

IN PERSON

(specify reliable electronic means).

Date: OCT. 4, 2024

Isi MRC

Judge's signature

City and state: Richmond, Virginia

HON. MARK R. COLOMBELL

Printed name and title

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF VIRGINIA

Case No. 3:24mj091



**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Roderick Herndon, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) since May 2017. I am a graduate of the Federal Law Enforcement Training Center (FLETC) and the ATF Special Agent Basic Training Academy. I received specialized training concerning violations of the Gun Control Act within Title 18 and the National Firearms Act within Title 26 of the United States Code pursuant to firearm violations. I am a duly sworn agent who is authorized to carry firearms, execute warrants, and make arrests for offenses against the United States and to perform such other duties as authorized by law.
2. While employed at ATF, I have been the affiant on several federal search warrants for criminal offenses involving illegal firearms trafficking and narcotics distribution and their associated conspiracies. Furthermore, I have investigated complex cases involving violent crime, criminal organizations, illegal firearms trafficking, and narcotics distribution that resulted in convictions in both federal and state court.
3. I have participated in the preparation and execution of numerous arrest and search warrants for criminal offenses involving the distribution of controlled substances as well as the illegal possession of firearms.
4. I am familiar with the methods drug traffickers and those who illegally possess firearms use to conduct their illegal activities, to include communicating via text messaging, social media exchanges, and narcotics transactions, utilization of rental vehicles. I received

specialized training in narcotics identification, detection, and trafficking, and have participated in multiple narcotics distribution and firearm interdiction assignments involving federal, state and local law enforcement jurisdictions.

5. As a part of the narcotics investigations, I have interviewed informants and cooperating witnesses, including drug users and drug traffickers; conducted physical surveillance; conducted consensual monitoring and recording of telephonic and non-telephonic communications; and obtained and executed search warrants that have led to substantial seizures of narcotics, firearms, and other contraband.
6. Based on my training and experience and the facts set forth in this affidavit, I believe there exists probable cause that Robert Damian ATKINS aka "H.O." (hereinafter ATKINS) (B/M, DOB: 06/XX/1985) has violated 18 U.S.C. § 922(g)(1) – Possession of a firearm/ammunition by a Convicted Felon.
7. The facts in this affidavit come from my personal observations, my training and experience, documentations, law enforcement databases, and information obtained from other sworn law enforcement officers and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

8. ATKINS has felony convictions, including the following:
 - a. July 13, 2005: Possession of Controlled Substances (Hopewell Circuit Court)
 - b. August 3, 2005: Posses, Transport Firearms by Convicted Felon (Hopewell Circuit Court)

- c. November 28, 2018: Drugs: Possess w/ intent to manufacture/sell schedule I, II (Hopewell Circuit Court) (two counts)
9. The trial order from August 3, 2005, indicates that ATKINS was present in court for his guilty plea and was sentenced to five years of incarceration. The sentencing order from November 28, 2018, indicates that ATKINS was present for his sentencing and was sentenced to twenty years with fifteen years suspended.
10. Between the months of March 2023 and April of 2024, the Prince George County Police Department (hereinafter PGPD) conducted a narcotics trafficking investigation into ATKINS. During their investigation, multiple confidential sources were developed and debriefed. During those debriefs, intelligence was gleaned regarding ATKINS's involvement in the distribution of Methamphetamine and Fentanyl. Throughout the debriefs, ATKINS was positively identified by the confidential sources utilizing DMV photographs and was referred to as "H.O."
11. PGPD conducted surveillance operations on multiple occasions at ATKINS's residence located at 5101 Fox Den Court. While doing so, PGPD observed him at 5101 Fox Den Court as well as operating multiple vehicles in the late evening/early morning hours. Specifically, ATKINS was observed operating a blue BMW SUV displaying Virginia registration TMN7778 ("the blue SUV"). Surveillance officers followed ATKINS operating this vehicle throughout the Tri-Cities area.
12. Based on information obtained by investigators that ATKINS was engaged in illegal narcotics distribution, PGPD obtained a search warrant from the Prince George Circuit Court for the residence of 5101 Fox Den Court, Prince George Virginia 23875.

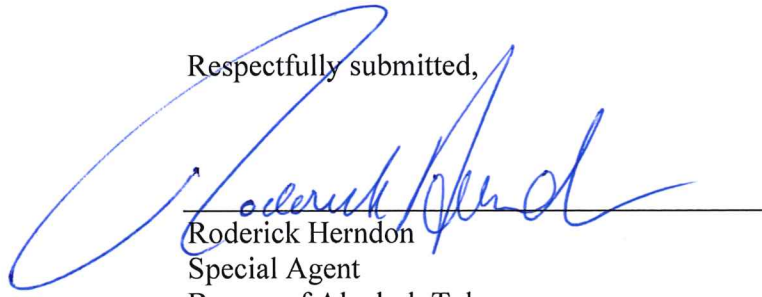
13. On April 1, 2024, the PGPD, utilizing the Virginia State Police Tactical Team, executed the search warrant at 5101 Fox Den Court, during which ATKINS, his girlfriend A.C., and two juveniles were detained. During the search, officers recovered multiple firearms, ammunition, multiple cell phones, and over \$10,000 from the residence. Officers also searched the blue SUV and recovered a loaded German Sports Gun, GSG-922, .22 caliber pistol, displaying serial number A561236, under the driver's seat. Additionally, PGPD located large quantities of methamphetamine, fentanyl, and cocaine, a cell phone, digital scales, and plastic baggies inside the vehicle.
14. ATKINS was arrested and transported to the PGPD Headquarters for a custodial interview. During the post *Miranda* interview, ATKINS admitted to being a distributor of narcotics. He also admitted to possessing the German Sports Gun, GSG-922, .22 caliber pistol, explaining that he acquired it through a "play," otherwise known as a drug sale.
15. Your affiant, an interstate nexus expert, has determined that the German Sports Gun pistol was manufactured outside of the commonwealth of Virginia and therefore traveled in an or affected interstate commerce prior to its recovery on April 1, 2024.

CONCLUSION

16. Based on the foregoing, I submit that there is probable cause to believe that on or about April 1, 2024, in the Eastern District of Virginia, and within the jurisdiction of this Court, Robert Damian Atkins, having knowingly been previously convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a felony, did knowingly possess a firearm, namely a German Sporting Gun, GSG-922, semiautomatic .22 caliber pistol, bearing Serial Number: A561236, in violation of 18 U.S.C § 922(g)(1). I therefore


respectfully request that this Court authorize the issuance of a Criminal Complaint and an Arrest Warrant for Robert Damian Atkins.

Respectfully submitted,



Roderick Herndon
Special Agent
Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Sworn and subscribed to before me on
October 4, 2024, in Richmond, Virginia.


HON. MARK R. COLOMBELL
United States Magistrate Judge
Eastern District of Virginia